

Deficiency Status Report 6

Status Report Submitted: October 19, 2007

CUPA Name: Tuolumne County Environmental Health

Evaluation Date: March 22 and 23, 2006

Next Status Report Due: October 22, 2007

State Evaluation Team:

Cal/EPA Team Leader: Kareem Taylor

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Based on the CUPA's corrective action responses, the following deficiencies are considered corrected and no further updates are required: 1, 2, 4, 6, 7, 8, 9, 12, 14, 15, 16, 17, 18, 19, 20.

The following deficiencies are still in progress and an update of the progress should be provided on this status report.

Deficiencies and Corrective Actions

3. **Deficiency:** The CUPA is not inspecting HMRRP facilities once every three years.

Preliminary Corrective Actions: Inspect HMRRP facilities once every three years.

CUPA's 5th Status Update: The CUPA has inspected 62 HMRRP facilities this year. (see attached SWEEPS report)

Cal/EPA's 5th Response: The CUPA routinely inspected 62 HMRRP facilities in FY 06/07 which is a vast improvement from last FY's inspection total of 15. Keep up the good work! With 251 HMRRP facilities, the CUPA should routinely inspect at least 84 facilities each FY to maintain the mandated inspection frequency of one every three years. With that being said, the CUPA manager has done a terrific job of moving Tuolumne's UP in the right direction.

On the next status report, please provide an update on the progress toward correction of this deficiency.

CUPA's 6th Status Update: The CUPA has inspected 82 HMRRP facilities since July 1, 2006 (see attached SWEEPS report).

4. **Deficiency:** The CUPA is not inspecting Hazardous Waste Generators once every three years.

Preliminary Corrective Actions: Inspect Hazardous Waste Generators once every three years.

CUPA's 5th Status Update: The CUPA has inspected 49 hazardous waste generators this year (see attached SWEEPS report)

Cal/EPA's 5th Response: The CUPA routinely inspected 49 HWG facilities in FY 06/07 which is a vast improvement from last FY's inspection total of 0. Excellent work!

Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

5. **Deficiency:** The CUPA is not inspecting Underground Storage Tank facilities once a year.

Preliminary Corrective Actions: Inspect Underground Storage Tank facilities once every year.

CUPA's 5th Status Update: The CUPA inspected 11 UST sites this year. (see attached SWEEPS report) The environmental health division is experiencing severe personnel shortages and currently there is no available ICC certified inspector on staff. Two staff were sent for testing and both failed the examination. Additional testing is being scheduled.

Cal/EPA's 5th Response: The CUPA's UST inspection frequency for FY 06/07 is the same as last year. 11 out of 40 facilities have been routinely inspected. The shortfall is due to lack of ICC certified inspectors. The CUPA is actively seeking to correct this deficiency by scheduling ICC examinations for two of its staff members. In the mean time, the CUPA may want to consider contacting other CUPA's to see if any of their inspectors can inspect for them until they have qualified inspectors.

On the next status report, please provide an update on the progress toward correction of this deficiency.

CUPA's 6th Status Update: The number of facilities has not changed since the last progress report due to lack of ICC certified inspectors. The Environmental Health Division hired two new inspectors on October 1, 2007. This will alleviate the severe shortage in CUPA staffing. The ICC certified inspector on staff was scheduled to return October 1, 2007 but took an additional year of military leave. The CUPA has planned to schedule staff to re-test for the ICC certification before the end of this calendar year. Staff to attend CUPA conference in February 2008.

10. **Deficiency:** The CUPA has not inspected all (both) CalARP facilities within the past three years.

Preliminary Corrective Actions: Inspect all CalARP facilities once every three years.

CUPA's 5th Status Update: The CUPA has failed to inspect the CalARP facilities for this year. The CUPA does not have anyone on staff trained to do CalARP inspections. Staff has attended one training with its neighboring county, Stanislaus for CalARP training and has planned to do additional training of inspections for completing the CalARP inspections this year.

Cal/EPA's 5th Response: The CUPA has not inspected any CalARP facilities for FY 06/07 due to lack qualified inspectors. Continue to train staff for CalARP inspections.

On the next status report, please provide an update on the progress toward correction of this deficiency.

CUPA's 6th Status Update: The CUPA has attempted to attain training for inspectors with no success. There is no available training for CUPA staff at this time. One of the two facilities was inspected in July 2005 and is not due for inspection until July 2008. The CUPA has not inspected any CalARP facilities for FY 06/07 due to lack qualified

inspectors. Continue to seek CalARP training for CUPA staff. Attend CUPA conference in February 2008.

- 11. Deficiency:** The CUPA is not obtaining inventories or inventory certification annually from all businesses subject to the Business Plan Program.

Preliminary Corrective Actions: Ensure that the next inventory submission is complete and correct.

CUPA's 5th Status Update: The CUPA has obtained inventories or inventory certification from 145 businesses this year. (see attachments)

Cal/EPA's 5th Response: The CUPA has obtained inventories or inventory certification from 58% of their business plan facilities. Continue to obtain inventories or inventory certification from BP facilities.

On the next status report, please provide an update on the progress toward correction of this deficiency.

CUPA's 6th Status Update: The CUPA has initiated a new inventory for fiscal year 2007-2008 and continues to send out certification statements with our annual billing statement for each facility. (See attachments for current inventory for this fiscal year)

- 13. Deficiency:** The CUPA is not ensuring that Business Plans are being reviewed every three years.

Preliminary Corrective Actions: Ensure that any business plan more than three years old has a certification of review or that a new business plan is submitted.

CUPA's 5th Status Update: The CUPA is ensuring that Business Plans are being reviewed by requesting certification statement reviews from all businesses and by reviewing plans during the routine inspection of businesses. (see attachments)

Cal/EPA's 5th Response: (refer to OES's response)

OES wrote: Business plan 3-year review. It is impossible to tell from the supporting documents how many of the business plans have been reviewed in the past three years. If the CUPA is reviewing the entire business plan at the time of inspection, then this deficiency is tied to #3 above, and both will be corrected at the same time. CUPA should report progress with the next status report.

CUPA's 6th Status Update: The CUPA is reviewing business plans at the time of inspection. See deficiency 3 above.

- 18. Deficiency:** While the former UST permit and conditions contained the required elements, the current UST permit and conditions does not contain all of the required elements.

Preliminary Corrective Actions: Develop a new UST permit and conditions containing the required elements as outlined in Title 23, Section 2712.

Note: The water board has stated that the CUPA may attach a monitoring plan to the permit to operate for UST facilities to correct this deficiency. All of the monitoring elements (included on the monitoring plan) must be included with the permit to operate.

CUPA's 5th Status Update: The CUPA has developed a new UST permit as outlined in Title 23, Section 2712. (see attachments)

Cal/EPA's 5th Response: Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected. Please review the water board's response.

SWRCB wrote: The water board has reviewed the permit. The CUPA may want to state that the document is a "Permit to Operate" Underground Storage Tanks at the top of the page. The conditions are located at the bottom of the page. They may wish to, also, include the construction of the tank; although it is not required by statute, it just makes the permit more complete to identify whether the tanks are single or double-walled, etc. Other than that the permit is acceptable.